

Message Text

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ACTION ARA-17

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C O N F I D E N T I A L PANAMA 2620

E. O. 11652: GDS

TAGS: PBOR PFOR PN

SUBJECT: TACK SPEAKS TO CLERGY

SUMMARY. RESPONDING TO APPARENT INVITATION FROM ARCHBISHOP MCGRATH, FONMIN TACK APPEARED BEFORE CATHOLIC CLERGY MAY 12 AND GAVE LENGTHY PRESENTATION OF HIS VIEWS ON U. S. - PANAMANIAN NEGOTIATIONS AND RELATIONS. TACK TOOK NO ESSENTIALLY NEW STANDS BUT THIS FIRST TIME FOREIGN MINISTER HAS PUBLICLY ATTACKED LEGAL BASIS OF CANAL RELATIONSHIP. MEETING ALSO IMPORTANT AS SIGN THAT AS SECOND ANNIVERSARY GALLEGO AFFAIR NEARS CHURCH WILLING TO SHOW ITS SUPPORT OF GOVT ON CANAL ISSUE. END SUMMARY.

ACTION REQUESTED. THAT DEPT RESEARCH PANAMA'S RATIFICATION OF 1903 TREATY AND CONSIDER HOW TO COUNTER GOP ARGUMENT THAT IT IS INVALID AB INITIO.

1. TACK APPEARED WITH VICE MINISTER, NEGOTIATORS LOPEZ GUEVARA AND DE LA ROSA AND ADVISORS ILLUECA, BLANCO, STAGG AND OTHERS. ARCHBISHOP, BISHOPS LEWIS AND SERRANO PLUS APPROXIMATELY SIXTY PRIESTS WERE PRESENT. TACK CRITICIZED FREQUENTLY HEARD SUPERFICIAL APPROACHES TO NEGOTIATIONS AND SAID THAT NEGOTIATIONS ARE BUT A PART OF GLOBAL FOREIGN POLICY WHICH IS TAKING SHAPE
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WITHIN THE COMING REVOLUTIONARY PROCESS WHICH WILL BE DISTINCTIVELY PANAMANIAN. HE SAID IT WOULD BE DESIRABLE FOR CHURCH, WITHOUT LOSING ITS SEPARATE IDENTITY, TO BE INTEGRATED IN NATIONAL INTERNAL REFORM EFFORT. COUNTRY'S DOMESTIC CHANGES REFLECTED IN NEW INDEPENDENT FOREIGN POLICY.

2. TACK ASKED THE QUESTION WHY THE UNITED STATES MAINTAINS SUCH HARD POSITIONS. HE DID NOT ANSWER QUESTION DIRECTLY BUT LISTED WHAT HE CONCEIVES AS U. S. ACTS WHICH ENDANGER HEMISPHERE'S PEACE. FIRST, THE UNITED STATES REFUSES TO RECOGNIZE " ERRORS IN ITS TITLE" (TO PRESENT CANAL RIGHTS). HE STATED THAT UNITED STATES PRETENDS THAT TITLE CORRECTED BY 1936 AND 1955 TREATIES BUT AN INSTRUMENT NULL AT OUTSET CANNOT BE VALIDATED. 1903 TREATY WAS NOT NEGOTIATED BY PANAMA BUT IMPOSED BY PRESSURE.

3. TACK WENT ON TO STATE EVEN IF ONE ACCEPTS U. S. HYPOTHESIS ON TREATY'S ORIGINAL VALIDITY PANAMA IS ENTITLED TO RENOUNCE IT BECAUSE UNITED STATES HAS VIOLATED IT BY UNILATERALLY INTERPRETING ART. III AS GRANTING SOVEREIGNTY, BY RETAINING WATER-PLANTS THUS IGNORING THAT AFTER FIFTYYEARS PANAMA WAS TO HAVE RECIEVED WATER AND SEWAGE WORKS AND AQUEDUCTS, BY VIOLATING CANAL NEUTRALITY BY ESTABLISHING HEMISPHERIC MILITARY HEADQUARTERS AND BY HEAVILY FORTIFYING CANAL ZONE. ACCORDING TO FONMIN, SOUTHCOM AND FORTIFICATIONS ARE IN CONFLICT WITH NEUTRALITY PROVISIONS HAY- PAUNCEFORTE TREATY UNDER WHICH UNITED STATES OBTAINED RIGHT ONLY TO ESTABLISH MILITARY POLICEMEN AND NOT " ROCKETS WITH NUCLEAR WARHEADS, CANNON, ELECTRONIC WEAPONS AND SUPERSONIC PLANES." IN ADDITION HE ASSERTED UNITED STATES IGNORES OBLIGATIONS UNDER UN CHARTER TO RESPECT PANAMA'S IDENTITY AND GA RESOLUTIONS TO RESPECT PANAMA'S SOVEREIGNTY AND RIGHTS OVER ITS NATURAL RESOURCES.

4. TACK CONCLUDED BY QUOTING IRONICALLY PASSAGES FROM RECENT KISSINGER ADDRESS AND PRESIDENT NIXON'S MESSAGE TO CONGRESS CALLING FOR MORE " BALANCED RELATIONSHIPS" AND " RECIPROCAL CONCESSIONS." HE SAID CANAL UNILATERALLY BENEFITS UNITED STATES AND MENTIONED AS EXAMPLES OF SIMILAR FUTURE INTENT THAT IN CURRENT NEGOTIATIONS U. S. PROPOSED GRANTING PANAMA ONLY \$25 MILLION COMPENSATION FOR BASIC RIGHTS AND NOTHING AT ALL FOR RIGHT TO BUILD SEA- LEVEL
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WATERWAY.

5. COMMENT: AS HE HAS DONE IN PAST FONMIN IGNORES THAT AS SOVEREIGN NATION PANAMA RATIFIED 1903 TREATY AFTER NATIONAL REFERENDUM. HE ALSO BASES NEUTRALITY ARGUMENT ON US- UK HAY- PAUNCEFORTE ACCORD IGNORING MORE PERTINENT

MILITARY RIGHTS GRANTED U. S. UNDER ART. XXIII OF CANAL
CONVENTION TO ESTABLISH FORTIFICATIONS TO PROTECT CANAL.
THIS IS NOT FIRST TIME THAT PANAMANIAN OFFICIALS HAVE
ATTACKED LEGAL FOUNDATION OF U. S. PRESENCE ON ISTHMUS,
BUT IT IS BELIEVED TO BE FIRST TIME FOREIGN MINISTER HAS
DONE SO PUBLICLY. SOME PANAMANIAN OFFICIALS CLEARLY
CONTINUE TO TOY WITH POSSIBILITY OF UNILATERAL RENUNCIA-
TION OF TREATY. WITHOUT ANY GOP ACTION, EFFECT OF THESE
ATTACKS IS TO UNDERMINE LEGITIMACY OF U. S. PRESENCE IN
EYES OF PANAMANIAN PUBLIC. THUS WE SUGGEST REPLY. THIS
MIGHT BE DONE BY PROVIDING BACKGROUND TO PRESS FOR ARTICLE
OR TO CONGRESSMAN FASCELL OR SENATOR MCGEE FOR SPEECH. SAYRE

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